

# SENATE BILL REPORT

## HB 1073

---

As Reported By Senate Committee On:  
Government Operations & Elections, March 27, 2007

**Title:** An act relating to emergency workers.

**Brief Description:** Concerning limited emergency worker volunteer immunity.

**Sponsors:** Representatives Schual-Berke, O'Brien, Anderson, Hudgins, Appleton, Green, Rodne, Ormsby, Cody, Dickerson, Morrell, Kenney and Pearson; by request of Military Department.

**Brief History:** Passed House: 2/05/07, 95-0.

**Committee Activity:** Government Operations & Elections: 3/27/07 [DPA].

---

### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline and Swecker.

**Staff:** Mac Nicholson (786-7445)

**Background:** The state provides indemnity to persons appointed and regularly enrolled as emergency workers for damage to property or injury or death to persons caused by acts done or attempted by the emergency worker within the scope of their assigned duties. In other words, any legal liability for damage or injury caused by an emergency worker is the obligation of the state, provided the acts of the emergency worker do not constitute willful misconduct, gross negligence, or bad faith.

Volunteers who are registered as emergency workers and are licensed as retired volunteer medical workers are immune from liability for damages that arise while providing assistance or transportation during an emergency or disaster or participating in an approved training or exercise in preparation for an emergency or disaster. This immunity extends to the volunteer's supervisor, health care facilities and employees, property and vehicle owners, the local organization that registered the volunteer, and to the state and state or local government entities.

**Summary of Bill:** The activity covered by the indemnity provisions for emergency workers includes acts done or attempted during or while traveling to or from an emergency or disaster, search and rescue, or training or exercise authorized by the Military Department.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The immunity afforded to registered retired volunteer medical workers is extended to all volunteer emergency workers who are (1) not receiving or expecting compensation from the state or local government; (2) not a state or local government employee unless on leave without pay status, and (3) registered with and hold an identification card issued by the state or local emergency management director for the purpose of engaging in authorized emergency management activities. The employer of a covered volunteer emergency worker is also immune from liability for acts of the volunteer emergency worker.

The types of activities covered by the immunity provisions are expanded to include search and rescue activities.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Government Operations & Elections):** Emergency workers enjoy indemnity while participating in a training or exercise authorized by the Military Department, but not while traveling to or from the training or exercise.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is an outgrowth of a bill passed last year. The bill would help people respond to disasters. There are issues that create obstacles to involvement, and this bill helps remove those obstacles. It provides protection in certain circumstances for emergency workers. It also protects the rest of the world, as we would know who the emergency workers are. The bill is a practical common sense approach to recruiting volunteers.

**Persons Testifying:** PRO: Representative Schual-Berke, prime sponsor; Jim Mullen, Director of Emergency Management, Washington Military Department; Mary Selecky, Secretary, Department of Health; Lester Olson, Washington Emergency Management Association; Bill Basl, Washington Commission for National and Community Service.